

EXHIBIT 13

WILMERHALE

September 11, 2023

Robert Kingsley Smith

BY EMAIL

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Adeel A. Mangi
Counsel for Appian Corporation
Patterson Belknap Webb & Tyler LLP
1133 Avenue of the Americas
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aamangi@pbwt.com

Re: *In re Pegasystems Inc. Securities Litigation*, No. 1:22-cv-11220-WGY (D. Mass.)

Dear Mr. Mangi:

I write on behalf of our client Pegasystems Inc. (“Pegasystems”) in response to your letter dated September 1, 2023 expressing concern that we had “reviewed the documents Pegasystems produced in the Virginia Litigation to determine which of those documents are responsive to particular document requests in the Securities Litigation” but “are planning to produce ‘[a]ll documents produced by Appian in the Virginia Litigation and designated by Appian as ‘Confidential.’” You need not be concerned.

Plaintiffs in the Securities Litigation have served a request for production calling for “[a]ll documents produced in fact and expert discovery in the Virginia [Litigation].” Pegasystems has agreed to produce in response to that request all documents produced in the Virginia Litigation, subject to Plaintiffs first obtaining consent from third parties with respect to any documents designated as “Confidential” by a third-party pursuant to the protective order in the Virginia Litigation. In the case of documents produced by Appian and designated “Confidential,” Plaintiffs sought that consent and were met with a request from you for Pegasystems to request consent directly from you. The documents identified in Exhibit A to my August 29, 2023 letter that bear Pegasystems’s Bates numbers are only those documents produced by Pegasystems in the Virginia Litigation that were designated “Confidential” by Appian pursuant to the protective order in the Virginia Litigation. Pegasystems has already begun producing to Plaintiffs documents produced by Pegasystems in the Virginia Litigation that were not designated “Confidential” by Appian.

As set forth in Exhibit A to my August 29, 2023 letter, and given your request to Plaintiffs that Pegasystems directly ask you for consent, we are asking Appian’s consent to produce documents produced by Appian in the Virginia Litigation designated by Appian as “Confidential.”¹

¹ You state that “[you] had expected [we] would first make a good-faith effort to determine which of the documents Appian produced in the Virginia Litigation are relevant to, and required to be produced in, the Securities Litigation.” But that is not something we can do absent Appian providing consent that our firm receive access to the

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In light of the foregoing, please let us know if Appian consents to Pegasystems's request.

Sincerely,

/s/ Robert Kingsley Smith

Robert Kingsley Smith

cc: Daniel W. Halston
Erika Schutzman
Christopher D. Stewart, Robbins Geller Rudman & Dowd, Counsel for Plaintiff

documents designated "Confidential" by Appian. Hence our request in my August 29, 2023 letter that "Appian provide written consent to allow Pega's Counsel (as defined in the August 18, 2023 protective order entered in the Securities Litigation) to access the materials at issue." In any event, Plaintiffs have made quite clear in several meet and confers that they will move to compel the production of all these documents if we refuse to produce them.